HIGH COURT OF CHHATTISGARH AT BILASPUR

REVIEW PETITION No. 65 OF 2007

PETITIONER : Muktipad Ghoshal S/o Late Shri B.N.Ghoshal, Aged 62 years, Ret. Assistant Engineer Water Resources Department, R/o J-8, Parijat Colony, Nehru Nagar, Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1) State of Chhattisgarh Through the Principal Secretary Water Resources Department, D.K.S. Bhawan, Raipur (C.G.)

2) Engineer-in-Chief, Water Resources Department, Government of Chhattisgarh, Raipur (C.G.)

3) Chief Engineer, Minimata Hasdeo Bango Project, Bilaspur (C.G.)

REVIEW PETITION FOR RECALLING THE ORDER DATED 12.07.2007 PASSED IN WRIT PETITON (S) No. 4041/2007.

BY CIRCULATION.

SB: Hon'ble Shri Satish K. Agnihotri, J.

ORDER

(Passed on 15th day of October, 2007)

I.A. No. 1, this is an application for condonation of delay.

Sufficient cause has been shown. The application is ordered as prayed for.

1. This petition seeks review of the order dated 12.07.2007 passed in Writ Petition (S) No. 4041 of 2007 (Muktipad Ghoshal Vs. State of Chhattisgarh & Others). The petitioner seeks review not on the new grounds but on the same grounds which have earlier been raised and considered by this Court. This Court dismissed the writ petition (S) No. 4041 of 2007, filed by the present petitioner on the ground of delay and laches on 12.07.2007.

2. On perusal of the papers and documents appended thereto, there is no apparent error on the face of records.

3. The petitioner has not pointed out any manifest error in the record and the petitioner has not further brought into the notice, any new fact which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure, even in exercise of review jurisdiction by the High

Court under Article 226 of the Constitution. The applicant has not produced any new ground for review, except the same ground which has been considered and decided in the writ petition.

4. The principle of law is well settled by several judicial pronouncements of the Hon'ble Supreme Court in the case of Smt. Meera Bhanjan Vs. Smt. Nirmala Kumar Choudhary[1], Lily Thomas, etc. Vs. Union of India and others[2], Ajit Kumar Rath Vs. State of Orissa and others[3], Government of T.N. and others Vs. M.Ananchu Asari and others[4], and Kerla State Electricity Board Vs. Hitech Electrothermics & Hydropower Ltd and others[5].

5. Applying the well settled principles of law to the present case, there is no ground available for review of the order dated 12.07.2007 under the garb of the review petition, the petitioner seek an opportunity to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.

6. As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1. AIR 1995 SC 455
2. AIR 2000 SC 1650
3. AIR 2000 SC 85
4. (2005) 2 SCC 332
5.(2005) 6 SCC 651